



S/N 08/403,844

#15  
11/2097  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FODSTAD et al.	Examiner:	C. Chin
Serial No.:	08/403,844	Group Art Unit:	1802
Filed:	April 18, 1995	Docket No.:	7885.33USWO
Title:	METHOD FOR DETECTION OF SPECIFIC TARGET CELLS IN SPECIALIZED OR MIXED CELL POPULATION AND SOLUTIONS CONTAINING MIXED CELL POPULATIONS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on October 3, 1997.

By: Mark T. Skoog

Name: Mark T. Skoog

RESPONSE TO SPECIES ELECTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action in the form of a Species Election Requirement mailed July 8, 1997, Applicants request consideration of the following remarks and election of the species designated below.

The Examiner asserts that the application contains claims directed to the patentably distinct species of antibodies or antibody fragments directed to receptors, integrins, epitopes, cancer antigens, and high molecular weight antigens in claims 39 and 71. The Examiner asserts that Applicants must elect a single disclosed species for prosecution to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner has indicated that claims 22-38, 40-70 and 72-79 are generic.

Applicants respectfully submit that within the context of the claimed method that the species indicated by the Examiner are not patentably distinct. The inventive aspects of the invention apply to each of these species.

Nonetheless, to expedite prosecution of this application, Applicants elect as a species, cancer antigens. Applicants note that this selection becomes effective only if no generic claim is

found allowable. Applicants reserve the right to pursue any non-elected subject matter by appropriate means in the future, for example, by a divisional or continuation application, should they so desire.

**Petition for Extension of Time**

It is noted that a two month extension of time is necessary to provide for timeliness of the response. A request for such an extension is made.

The Examiner is invited to contact Applicants' representatives at the below listed telephone number, if there are any questions or concerns regarding this communication.

Respectfully submitted,

FODSTAD ET AL.,

By their attorneys,

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Date: October 3, 1997

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